## SB316 ENGROSSED



- 1 DW71NN-2
- 2 By Senators Figures, Hatcher, Singleton, Smitherman, Givhan,
- 3 Beasley, Stewart, Bell, Coleman-Madison, Hovey, Chambliss,
- 4 Elliott, Livingston, Roberts, Reed, Scofield, Gudger, Weaver,
- 5 Williams, Price, Chesteen, Butler, Stutts, Melson, Allen,
- 6 Waggoner, Orr, Barfoot, Sessions, Albritton, Coleman, Jones,
- 7 Carnley, Shelnutt
- 8 RFD: Judiciary
- 9 First Read: 11-May-23
- 10 2023 Regular Session

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6	A BILL
7	TO BE ENTITLED
8	AN ACT
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10	Relating to vaping devices; to amend Section 28-11-14,
11	Code of Alabama 1975, to further provide prohibitions on the
12	possession of an electronic nicotine delivery system by
13	individuals under 21 years of age; and in connection therewith
14	would have as its purpose or effect the requirement of a new
15	or increased expenditure of local funds within the meaning of
16	Section 111.05 of the Constitution of Alabama of 2022.
17	BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:
18	Section 1. Section 28-11-13, Code of Alabama 1975, is
19	amended to read as follows:
20	<b>"</b> §28-11-13
21	(a) $\underline{(1)}$ It is unlawful for any individual under the age
22	of 21 years to purchase, use, possess, or transport tobacco, a
23	tobacco product, an electronic nicotine delivery system or
24	other electronic battery-powered device capable of being used
25	to deliver any e-liquid, e-liquid substitute, tobacco, CBD
26	oil, THC oil, herbal extract, or nicotine salt, or any analog
27	thereof, or any other substance to the individual through the
28	inhalation of vapor, or an alternative nicotine product within

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29 this state.

- (2) For purposes of the unlawful purchase, use,

  possession, or transportation of an electronic nicotine

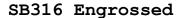
  delivery system, a violation is committed upon mere possession

  of an electronic nicotine delivery system, regardless of

  whether the electronic nicotine delivery system contained or

  was used in combination with an e-liquid, any tobacco product,

  or any other substance.
- (b) It shall not be unlawful for an individual under the age of 21 years who is an employee of a tobacco, tobacco product, electronic nicotine delivery system, or alternative nicotine product permit holder to handle, transport, or sell tobacco, a tobacco product, an electronic nicotine delivery system, or an alternative tobacco product if the employee is acting within the line and scope of employment and the permit holder, or an employee of the permit holder who is 21 years of age or older, is present.
- (b) (c) It is unlawful for any individual under the age of 21 years to present or offer to another person proof of identification which is false, fraudulent, or not actually his or her own proof of identification in order to buy, receive, or otherwise obtain, or attempt to buy, receive, or otherwise obtain, any tobacco, tobacco product, electronic nicotine delivery system, or alternative nicotine product.
- (c) (d) If a minor is cited for any violation under this section, the citing agency shall make reasonable efforts to notify a parent, legal guardian, or legal custodian of the minor unless the minor has been emancipated by court order or





57 operation of law."

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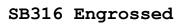
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Section 2. Although this bill would have as its purpose or effect the requirement of a new or increased expenditure of local funds, the bill is excluded from further requirements and application under Section 111.05 of the Constitution of Alabama of 2022, because the bill defines a new crime or amends the definition of an existing crime.

Section 3. This act shall become effective on the first

Section 3. This act shall become effective on the first day of the third month following its passage and approval by the Governor, or its otherwise becoming law.





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69 Senate

0 9	Senace
70	Read for the first time and referred11-May-23
71	to the Senate committee on Judiciary
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73	Read for the second time and placed17-May-23
74	on the calendar:
75	1 amendment
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77	Read for the third time and passed24-May-23
78	as amended
79	Yeas 35
80	Nays 0
81	Abstains 0
82	
83	
84	Patrick Harris,
85	Secretary.
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